

REMARKS

This is in response to the Office Action mailed on March 29, 2004, and the references cited therewith.

Claim 11 is amended, claims 2 and 12 are cancelled; as a result, claims 1, 3-11, and 13-20 are now pending in this application.

§112 Rejection of the Claims

Claims 1-5 were rejected under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Claim 2 has been cancelled herein. Applicant believes that the cancellation of claim 2 overcomes the specific objection to claim 1 noted in the office action.

§103 Rejection of the Claims

Claims 1, 2, 6, 10-12, 15, 16 and 20 were rejected under 35 USC § 103(a) as being unpatentable over Roline et al. (U.S. Patent No. 4,363,325) in view of Kieval et al. (U.S. Patent No. 5,716,383). The rejections are traversed and reconsideration is respectfully requested.

Roline appears to disclose a pacemaker which switches from a VDD pacing mode to a VVI pacing mode when a detected intrinsic atrial rate drops below a preset value and switches back to the VDD pacing mode when the detected intrinsic atrial rate is higher than another preset value. No teaching or suggestion appears in the cited prior art, however, for a device which incorporates circuitry for, or a method which includes, causing a ventricular pace to be delivered *only* when a premature atrial contraction is detected with the ventricular pace being delivered at a specified AV interval following the premature atrial contraction, as recited in claims 1 and 11, respectively. The specific device of Roline, for example, paces the ventricles in a VVI mode irrespective of any sensed atrial activity. Also, no teaching or suggestion appears in the cited prior art for a device which incorporates circuitry for, or a method which includes, delivering pacing pulses to a ventricle in accordance with an atrial tracking bradycardia pacing mode such that a ventricular pace is delivered at a specified AV interval following an atrial sense and modifying the AV interval when a premature atrial contraction is detected, as recited by claims 6 and 16, respectively. No discussion appears in either Roline or Keival, for example, which in any way relates to modifying an AV pacing interval in response to detection of a premature atrial

contraction. Dependent claims 3-5, 7-10, 13-15, and 17-20 recite additional limitations which are also neither taught nor suggested by the cited prior art. Withdrawal of the rejections based upon the Roline and Kieval references is respectfully requested.

Allowable Subject Matter

Claims 7-9, 13, 14 and 17-19 were indicated to be allowable if rewritten to overcome the rejection(s) under 35 USC § 112, second paragraph, set forth in the Office Action and to include all of the limitations of the base claim and any intervening claims. In view of the foregoing remarks, applicants respectfully request withdrawal of the objections.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (847) 432-7302 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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Date 7.29.04

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner of Patents, MS: Amendment, P.O. Box 1450, Alexandria, VA 22313-1450, on this 29 day of July, 2004.

Paula Suck

Name

Randy Saaby

Signature